1244

1940 **File No.** 4626/36

A CLASS Public Works **DEPARTMENT** & **BRANCH**

Subject:— Allowance.
Award of – to officers dismissed
on account of inefficiency or misconduct.

A [K] 40

& **File No.** 4626/36

Std. Sectt. Slip 24-B

Std. Sectt. 78A 6.

G.R., G.D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

File No. 4626/36

P.W. **DEPT.**

& **BRANCH.**

References :—

Date.	To whom sent.	Notes and instructions.

Copy of Government of India, Finance Department Memorandum No. F. 3(2)-R.II/40, dated the 22nd April 1940.

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Subject:- Grant of Compassionate allowance under Article 353. Civil Service Regulations.

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With a view to clear the doubts that appear to exist in respect of the factors that generally guide Government in dealing with applications for such allowances and the consequent difficulties experienced by the Departments in making recommendations in this behalf, the undersigned is directed to state as follows:-

Article 353, Civil Service Regulations, vests Government with an absolute discretion to grant or not to grant any compassionate allowance, the only restriction being that if granted, it shall not exceed the maximum of two-thirds of the pension that would be admissible to the officer concerned on retirement on medical certificate. It is preactically impossible in view of the wide variations that naturally exist in the circumstances attending each case, to lay down categorically precise principles that can uniformly be applied to individual cases. Each case has therefore to be considered on its merits and a conclusion has to be reached on the question whether there were any such extenuating features in the case as would make the punishment awarded, though it may have been necessary in the interest of Government, unduly hard on the individual. In considering this question it has been the practice to take into account not only the actual misconduct or course of misconduct which occasioned the dismissal or removal of the officer, but also the kind of service he has rendered. Where the course of misconduct carries with it the legitimate inference that the officer's service has been dishonest, there can seldom be any good case for a compassionate allowance. Poverty is not an essential condition precedent to the grant of a compassionate

allowance; but special regard is also occasionally paid to the fact that the officer has a wife and children dependent upon him, though this factor by itself is not, except perhaps in the most exceptional circumstances sufficient for the grant of ~~th~~ a compassionate allowance.

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W.W.W./-

TNPiggott
10/5/56